

APRIL 2007

Campaign	
Terry Ringler County of Solano Dated: April 16, 2007 File Number A-07-063	<p>In connection with an August 28, 2007 special election, Solano County Rural North Vacaville Water District candidates and committees may use a filing schedule that combines the semi-annual statement with the first pre-election statement due on July 19, 2007.</p>
Henry T. Perea Fresno City Council Dated: April 20, 2007 File Number A-07-057	<p>A city councilmember may use campaign funds for those portions of a political and cultural exchange trip to Germany when legislative or governmental business is conducted. Any expenses incurred on the trip that are of a personal nature, however, must be paid for by personal funds, not campaign funds.</p>
Rick Keene Friends of Rick Keene Dated: April 23, 2007 File Number I-07-047	<p>Under the transfer and attribution rules of Government Code Section 85306 and Regulation 18536, funds that, when attributed to a contributor, may not be transferred between a candidate's controlled committees because of the Act's contribution limits, may still be transferred if the funds are instead attributed to the closest preceding contributor (if using a "last in, first out" accounting method) or to the closest subsequent contributor (if using a "first in, first out" accounting method) whose aggregated contributions would not exceed the Act's contribution limits.</p>
Stephen Ross San Diego Ethics Commission Dated: April 27, 2007 File Number A-07-048	<p>The San Diego Ethics Commission poses several hypotheticals asking what type of information in a communication made at the behest of a candidate constitutes a "<i>qualification for office</i>" under the definition of "contribution". Staff advised that the Commission must analyze communications on a case by case basis to make this type of determination. However, as a general rule, to be a contribution, the communication containing information on the candidate's qualifications must also expressly state the candidate is or is not suited for public office, or make a reference to the candidate's campaign or office sought.</p>
Katrina Bartolomie Mendocino County Registrar of Voters Dated: April 27, 2007 File Number A-07-068	<p>This letter authorizes Mendocino County to use a combined filing schedule for a water district election to be held on August 28, 2007. The first preelection statement is combined with the semi-annual statement pursuant to Section 84205.</p>

Conflicts of Interest	
Robin L. Clauson Councilmember Michael Henn, City of Newport Beach Dated: April 1, 2007 File Number A-07-033	<p>A city attorney sought advice as to whether a conflict interest would exist if a city council member participated in decisions involving the adoption of an ordinance that may affect the location or operations of sober living businesses or residential recovery treatment facilities in the city.</p> <p>Councilmember may participate in decisions to adopt an ordinance if it is not reasonably foreseeable that the governmental decisions will have a material financial effect on any of his economic interests.</p>
Julie Vaissade-Elcock City of Arcata Planning Commission Dated: April 2, 2007 File Number A-07-040	<p>A city planning commissioner is disqualified from making, participating in making, or influencing planning commission decisions related to a project directly involving a developer for which her husband provides consulting services if her community property interest in the income received by her husband is \$500 or more in the 12 months prior to the decision, even when her husband is not working on the specific project coming before the planning commission. The planning commissioner is also disqualified from any decision directly involving a regular customer of her retail store if the customer provides her with \$500 or more in income in the 12 months prior to the decision.</p>
M. Lois Bobak Councilmember Jan Horton City of Yorba Linda Dated: April 2, 2007 File Number I-07-041	<p>A city council member requested information regarding a potential conflict of interest. The city councilmember's residence is within 500 feet of one section of a redevelopment project area. Commission staff advised that the councilmember has a conflict of interest regarding those decisions affecting the project area within 500 feet of her house. For all other decisions, and those that are not inextricably linked to the aforementioned project area, she may vote.</p>
Robert Stadum Hi-Desert Water District Dated: April 12, 2007 File Number A-07-012	<p>Board of Directors President for a water district sought advice regarding his potential conflict of interest with respect to potential votes before the district on (1) the installation, operation, and maintenance of a package sewer plant or a wastewater treatment plant and (2) the imposition of a water meter fee on all water meters to be issued and sold for new developments. Staff advised the requestor that because of his economic interest in a land development company and real estate owned by the company, he has a prohibited conflict of interest and may not participate in either decision. Staff also concluded that the requestor did not qualify for the "public generally" exception based on the general nature of the decisions before the board. Staff could not advise the requestor as to whether the public generally exception would apply with respect to future sewer possibilities.</p>

<p>Donald Snyder Contra Costa County Planning Commission Dated: April 17, 2007 File Number A-07-056</p>	<p>Unless it is reasonably foreseeable that the Contra Costa County Planning Commission decisions regarding a project will have a material financial effect on a planning commissioner's source of income, his employer, he may participate in decisions regarding the project. His employer is a labor union, some of whose members may work on the project.</p>
<p>Deidre Kelsey Merced County Board of Supervisors Dated: April 17, 2007 File Number I-07-0044</p>	<p>A member of a board of supervisors seeks general advice regarding the conflicts of interest provisions. The board member has several economic interests that are indirectly involved with the types of decisions she presented. Staff provided an analysis of the economic interests, explained how to apply the analysis to potential decisions, and stated that the ability to vote must be determined on a decision-by-decision basis.</p>
<p>Mark D. Hensley Councilmember Sharkey Port Hueneme Dated: April 24, 2007 File Number A-07-045</p>	<p>When an official provides property in exchange for receipt of property from another, and the properties are of similar value, the councilmember has received income from the other person for the sale of his property. This is because the official has provided full and adequate consideration (in the form of this property) to the other. Where the official receives free rent from another person in exchange for free rent the official provides to that person, this would also be considered income.</p>
<p>Richard C. Burton Councilmember Ted Howze, City of Turlock Dated: April 26, 2007 File Number A-07-052</p>	<p>A city councilmember seeks advice on whether he has a conflict of interest in voting to approve a decision to begin updating the city's general plan. The decision would not involve details of what changes would be made to the general plan. The councilmember owns two businesses and real property that may be annexed into the city as a result of future decisions. Staff advised that the councilmember does not have a conflict of interest in participating in the decision as long as there is no reasonably foreseeable financial impact upon his businesses or upon his real property as a result of the decisions at hand. However, the councilmember may have a potential conflict of interest in participating in further decisions regarding the general plan update.</p>
<p>Michael A. Devencenzi San Joaquin County Planning Commission Dated: April 27, 2007 File Number A-07-061</p>	<p>A planning commissioner owns his own agriculture consulting business. There will be a decision before him on whether or not to approve a new chemical plant site for a company that competes with his business. Staff advised that the commissioner does not have a conflict of interest unless there will be a material financial effect upon his business as a result of the decision.</p>

David A. Willoughby Leonard H. McIntosh Monterey Peninsula Airport District Dated: April 30, 2007 File Number I-07-053	<p>Under the Act's conflict-of-interest rules, the Chairman of the Board of Directors of the Monterey Peninsula Airport District does not have a conflict of interest in voting on an ordinance that would reaffirm or change the terms and conditions of the District's relationship with its outside District Counsel, solely by virtue of the District Counsel's acting as a private attorney for the Chairman on matters unrelated to the District.</p>
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Conflict of Interest Code	
June R. McIvor Bruce Gibson, San Luis Obispo Board of Supervisors Dated: April 1, 2007 File Number I-07-027	<p>A county supervisor is advised that he has a conflict of interest in participating in a governmental decision regarding viewshed restrictions where he owns property in the area subject to the governmental decisions unless his Williamson Act contract provision already imposes the restrictions being considered. The supervisor is further advised that he may segment the two decisions so that he can participate in the governmental decision regarding the area in which he does not own property as long as the decisions are not inextricably interrelated and the provisions of Regulation 18709 are met.</p>
Gift	
Richard Parsons Lake County Fair, California Fairs Services Authority, Lake County Airport Lands Use Commission Dated: April 5, 2007 File Number A-07-054	<p>The distribution by an elderly great aunt of cash assets from her estate, to a public official among eight great nieces and nephews, is not a "gift" subject to the Act's limits or reporting requirements.</p>
Robin Sutherland County of Nevada Dated April 18, 2007 File Number I-07-036	<p>Although a lack of sufficient facts prevented the advice letter from making an actual determination, the letter discusses circumstances whereby gifts offered by a governmental entity to residents within its jurisdiction are not subject to the Act's gift requirements. In the facts of the advice letter, the governmental entity is an Indian Tribe.</p>
Roy Parmentier City of Lakeport Dated: April 20, 2007 File Number A-07-028	<p>When an official is invited on a day trip on an acquaintance's fishing boat and provides food and pays for one-half of the fuel there is no gift to the official if the value of the food and fuel he provided is equal to or greater than the value of the fishing trip. If the value is less, the difference between the value of the fishing trip and the value of the consideration the official provided would be a gift to the official subject to the \$50 reporting requirement and the \$390 gift limit.</p>

Hyacinth C. Ahuruonye Alpha Phi Alpha Fraternity, Inc. Dated: April 26, 2007 File Number A-07-051	<p>President of fraternal organization sought advice as to whether the organization could give a commissioned painting valued at more than \$390 to a city official. In addition, requestor wished to know who is considered the source of the gift—the Fraternity or the individual members who voted to give the official the painting? Requestor was advised that the Fraternity could not give the official the painting because it would exceed the gift limits of the Act. Based on the facts presented, the Fraternity would be the source of the gift, and not the individual members.</p>
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Honoraria	
Dated: File Number	

Lobbying	
Dated: File Number	

Revolving Door	
Daniel Vanderpriem Oakland Redevelopment Agency Dated: April 10, 2007 File Number A-07-024	<p>The Act's one-year ban on a local official's making an appearance before or communication with his or her former agency to influence legislative or administrative action (Section 87406.3) applies to local elected officials and to chief administrators of cities, counties, and special districts. The one-year ban for local officials does not apply to an official after leaving the position of Director of the Oakland Redevelopment Agency because a redevelopment agency is not a special district and is not included within the scope of Section 87406.3.</p>
Dated: File Number	

Section 84308	
Michael Prandini Treasurer, Citizens for Housing Opportunities Dated: April 20, 2007 File Number I-06-2189	<p>So long as contributions by a political committee to a LAFCO commissioner are not directed and controlled by the same individual (or majority of the same individual) board member(s) of the committee, the committee may contribute over \$250 to any LAFCO commissioner without triggering application of the prohibition and disclosure rules, under Section 84308 of the Act, to members of the committee's board that have applications before the LAFCO.</p>

Statements of Economic Interests	
Dated: File Number	

April 2007
Juanita G. Lira